The City Council of the City of Raleigh met in regular session on Tuesday, July 5, 1983 at 1:00 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor York, Presiding
Ms. Babb
Mr. Calloway
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Walters
Mr. Upchurch

Mayor York called the meeting to order and invocation was rendered by the Reverend C. Clyde Tucker of Benson Memorial United Methodist Church, after which the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

GOODWILL AMBASSADOR - INTRODUCED

Mayor York called on Michele Spangler and her mother and father, Mr. & Mrs. Garland Spangler. Mayor York presented Ms. Spangler with a letter of introduction pointing out she has been chosen by the Lions Club as a Goodwill Ambassador to Stockholm for five weeks. He pointed out she will be leaving Raleigh on July 7, and upon her return she will speak to civic organizations and other groups sharing her experience. The letter of introduction was accepted by Ms. Spangler.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS AMENDED

Mayor York presented the Consent Agenda indicating all items on the Consent Agenda are considered to be routine and may be enacted by one motion. He indicated if a Councillor requests discussion on an item, the item would be removed from the Consent Agenda and considered separately. Mayor York announced the vote on the Consent Agenda would be a roll call vote. Mayor York requested that Bid Request 83-6 and 83-7 be withdrawn from the Consent Agenda. Mr. Walters requested that the Community Development transfer relating to the festive retail study be withdrawn. Without objection these three items were withdrawn from the Consent Agenda. Mr. Upchurch moved that Administration's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. The items on the Consent Agenda were as follows.

PRIVILEGE LICENSE - NORTH RALEIGH HILTON, INCORPORATED - APPROVED

This is a privilege license application for "North Raleigh Hilton, Inc.," located at 3415 Old Wake Forest Road. The General Manager, Robert W. Ray, is the individual making application. City Code Sections 2-2032 (2), (3), (5) and 12-2118 (3) require City Council approval before a license may be issued for a dance hall, public club with live entertainment, classified as a class two entertainment center. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

HUD GRANT - FAIR HOUSING OFFICE - MAYOR AUTHORIZED TO SIGN

The Department of Human Resources - Fair Housing Office - has available to it the third year HUD Grant in the amount of $14,300. The amount of this grant is based on the number of complaints processed in FY 83. The amount of the grant from this year forth will be dependent on the number of complaints processed in each preceding year. All conditions and stipulations regarding this grant are the same as the first two years. The funds will be used to continue the Civil Rights Analyst position in the department until the funds have been exhausted.

Recommendation: It is requested that this grant be accepted and the Mayor be authorized to sign the grant document. Consent Agenda approval Upchurch/Calloway - 8 ayes. See Ordinance 144.

ROWLAND LANDFILL - EXTENSION OF CONTRACT - APPROVED

This is a contract with Rowland Landfill to dispose of a minimum of 463.5 tons of trash and rubble per week and 80,000 tires annually. Since April 21, 1975, the City has maintained an agreement in effect to dispose of trash and rubble with Rowland Landfill. Since May 9, 1977, the City has maintained in effect an agreement to dispose of tires at Roland Landfill. An annual sum totalling $30,976, payable in monthly installments of $2,581.33, is included in the Sanitation Division budget for 1983-84 in Account 5030-265.

Present agreements expire at the end of June, 1983.

Recommendation: The Council is requested to approve entering into agreement with Roland Landfill to provide these services for one year at no increase in cost to the City. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

ANNEXATIONS - GREYSTONE 5 AND PLEASANT RIDGE ESTATES - PLACED IN ELECTORIAL DISTRICTS

The two annexations approved by the Council at their June 21, 1983, meeting, should be assigned to Council districts as follows: (a) Greystone, No. 5 assigned to Council District A. This annexation is effective June 30, 1983; (b) Pleasant Ridge Estates assigned to Council District D. This annexation is effective June 30, 1983.

Recommendation: Approval is recommended. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

RESOLUTION NO. (1983) - 280

A RESOLUTION TO AUTHORIZE THE INCLUSION OF GREYSTONE NO. 5 IN CITY ELECTORAL DISTRICT A AND PLEASANT RIDGE ESTATES IN CITY ELECTORAL DISTRICT D

WHEREAS, the City Council of the City of Raleigh did, by Ordinance No. (1983) 141 and (1983) 142, annex land being commonly known as Pleasant Ridge Estates and Greystone No. 5, respectively, and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District D (Pleasant Ridge Estates) and District A (Greystone No. 5) are the logical districts to assign these annexations due to their proximity to the newly annexed areas.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the area known as Pleasant Ridge Estates as described in Ordinance No. (1983) 141 be added to City Electoral District D.

Section 2. That the area known as Greystone No. 5 as described in Ordinance No. (1983) 142 be added to City Electoral District A.

Adopted: 7/5/83

COMMUNITY DEVELOPMENT/HOUSING AUTHORITY - CONTRACT FOR FY 83-84 - APPROVED

This proposed agreement between the City of Raleigh and the Raleigh Housing Authority is in the amount of $157,360, for program activities for Fiscal Year 1983-84. A copy of the proposed contract was included with Council Members' Agenda material.

Recommendation: Approval is recommended. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

SUMMER CLEAN-UP PROGRAM - 1983 - APPROVED

For the past years, the City of Raleigh has sponsored a Summer Clean-up Program in the Community Development designated Conservation and Redevelopment Areas. As in the past, we proposed to use Raleigh CETA Summer Youth Program participants to do the actual work and to pay for the cost of two supervisors out of the Community Development budget.

The cost of the program for Fiscal Year 1983 is $3,700, which includes salaries and fringed for the two supervisors, motor vehicles maintenance and operation expenses, and equipment supplies. This has proven to be a popular program.

Recommendation: It is requested that the City Council approve the Summer Clean-Up Program which will run approximately six weeks, beginning July 8, 1983. If approved, the request for transfer of funds is also necessary. Consent Agenda approval - Upchurch/Calloway - 8 ayes. See Resolution 281 TF 1.

SUMMER YOUTH EMPLOYMENT PROGRAM - CONTRACT MODIFICATION - APPROVED

This is a request to authorize the modification of the existing Title IVC - Summer Youth Employment Program contract with Resource Associates. The purpose of this modification is to extend the contract date from July 8, 1983, to July 29, 1983, to allow sufficient time for the sub-contractor to provide labor market orientation to 200 participants.

Except that which appears in the above explanation of this modification, all terms and conditions of the contract remain unchanged.

Recommendation: It is recommended that the City Council approve this contract modification. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

TAXICAB OWNER'S PERMIT - APPROVED ON SECOND AND FINAL CONSIDERATION

Application has been received from the following to operate a taxi. The application has been checked and meets the requirements of Section 12-2053 of the City Code. The application was approved on the first reading during the Council Meeting on June 21, 1983. It would be appropriate for the Council to approve this on a second and final consideration. Jim Rhodes, Airline Cab Company (New Individual Owner's Permit). Consent Agenda approval - Upchurch/Calloway - 8 ayes.

LIMOUSINE SERVICE FRANCHISE - APPROVED ON SECOND AND FINAL READING

Application has been received from the following to operate a limousine service. The application has been checked and meets the requirements of the City Code. The application was approved on the first reading during the Council Meeting on June 21, 1983. It would be appropriate for the Council to approve this on a second and final consideration. Clyde Hood Johnson, Johnson Limousine Service (New Franchise).

Consent Agenda approval - Upchurch/Calloway - 8 ayes.

TAXICAB OWNER'S PERMIT - FRED SWAN - APPROVED ON FIRST READING - TO BE PLACED ON 7/19/83 AGENDA

Application has been received from the following to operate a taxi. The application has been checked and meets the requirements of Section 12-2053 of the City Code. Approval is recommended. If approved, this application will be placed on the Agenda for July 19, 1983, for second and final consideration. Fred Swan, Ebony Cab Company (New Individual Owner's Permit)

Consent Agenda approval - Upchurch/Calloway - 8 ayes.

TAXICAB FRANCHISE - CHANGE OF OWNERSHIP - APPROVED ON FIRST READING - TO BE PLACED ON 7/19/83 AGENDA

In accordance with City Code Section 12-2059, Ms. Mildred Mosley has attested to the fact that she is selling her company that operates under the trade name of "Research Triangle Taxi and Transfer Company," to Mr. Boaz Odhiambo and Mr. Ricks Jayala.

It is understood by both parties concerned that, once change of ownership takes place, there is an automatic revocation of any owner's permit previously granted to the extent applicable to the operation of such taxicab or taxicabs.

On May 27, 1983, Mr. Boaz Odhiambo and Mr. Ricks Jayala acknowledged this agreement and at this time are hereby making application for the above mentioned franchise.

An investigation of the applicants was satisfactory, therefore, Administration has no objection to Council approval of this action.

Recommendation: Approval of the requested franchise is recommended. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

PRIVILEGE LICENSE - U-HAUL INTERNATIONAL - REFUND AUTHORIZED

Mrs. Betty Ambacher, representing "U-Haul International," has given written request for a refund of $125 for the 1983-84 privilege license year. The refund request is for the locations at 2929 North Boulevard and 3821 Western Boulevard. The reason for this request is that these locations no longer rent U-Haul equipment, as of February and May, 1983, respectively. Administration has verified that this is a valid request.

Recommendation: It is recommended that the request for refund be approved. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

INFORMATIONAL ITEM - RECEIVED

Approval has been granted for the rent-free use of Assembly Hall #1, in the Civic Center, from 7:30 a.m. to 1:30 p.m. on Saturday, August 20, 1983, for administering a written preemployment examination to Firefighter I applicants. The item was received as information without comment.

CAPITAL FUND ITEM - 30" WATER MAIN - ATLANTIC AVENUE - FUNDS APPROPRIATED

This was a Capital Fund item in the amount of $466,688 for the construction of a 30-inch main in existing Winton Road and award of contract for the first phase of the Atlantic Avenue project. Administration recommends approval. The Agenda listed the fund source and amount and the expenditure accounts that should be amended. Consent Agenda approval - Upchurch/Calloway - 8 ayes. See Resolution 281 TF 1.

BILTMORE HILLS/RIDGE ROAD POOLS - CHANGE ORDER - APPROVED

Change Order P-2 with AAA Electrical Company, Inc. is for a deduction of $4,294. It was pointed out after investigating several design alternatives and through correspondence with the Public Utilities Director, it was agreed that the backwash holding tanks are not needed within the use of the diatomaceous earth filter. Therefore, Administration recommends approval of the change order. The Agenda outlines the budget accounts that would be amended if the change order is approved. Consent Agenda approval - Upchurch/Calloway - 8 ayes. See Resolution 281 TF 1.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received in their Agenda packet a list of administrative transfers which has been authorized according to Council procedure. Concurrence with the Manager's action is recommended. Consent Agenda approval - Upchurch/Calloway - 8 ayes. The transfers were as follows:

From	To	Amount
01-2-4130-229	01-2-4130-255	$319.00
01-2-1210-265	01-2-1210-298	69.66
03-2-5700-112	03-2-5700-534	730.23
01-2-6010-269	01-2-6020-217	950.00
01-2-6010-269	01-2-6040-218	100.00
01-2-4020-283	01-2-4020-219	13.61
19-2-8310-534	19-2-8310-243	200.00
01-2-6060-709	01-2-6060-706	50.00
01-2-4130-229	01-2-4110-260	100.00
01-2-6060-709	01-2-6060-707	50.00
37-2-2382-100	37-2-2382-104	82.55
01-2-6060-709	01-2-6060-703	151.00
50-2-1010-104	50-2-1030-106	195.39
01-2-5020-260	01-2-5020-619	914.00
01-2-6010-269	01-2-6020-217	745.00
18-2-0700-260	18-2-0700-213	100.00
06-2-7100-002	06-2-7030-798	821.00
01-2-1220-260	01-2-1220-252	6.12
03-2-5400-109	03-2-5400-135	900.00
01-2-4130-225	01-2-4110-233	995.00
01-2-5060-243	01-2-5060-219	300.00
01-2-5060-243	01-2-5060-230	900.00
01-2-5020-700	01-2-5020-618	385.00
01-2-1200-231		400.00
01-2-1200-240		525.00
	01-2-1200-606	925.00
01-2-4020-266	01-2-4020-222	684.68
01-2-1220-260	01-2-1220-700	19.00
01-2-6010-275	01-2-6010-259	750.00
38-2-1000-100	38-2-2010-110	230.00
01-2-1040-210	01-2-1040-209	657.00
01-2-4010-276	01-2-4010-703	48.00
37-2-8994-100	37-2-8994-204	161.02

TRANSFERS - WITHIN VARIOUS ACCOUNTS AND VARIOUS APPROPRIATIONS - RESOLUTION AND ORDINANCE ADOPTED

The Agenda presented a list of recommended transfers within various accounts for purposes as stated therein and recommended appropriations from contingencies from purposes as stated therein. Administration recommends approval of the transfers and appropriations from contingencies. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

RESOLUTION NO. (1983) - 281 TF 1

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 21, 1983, and included in the budget for the fiscal year ending June 30, 1984, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE	ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From	08-2-0000-001	Council Reserve	$ 70,735.36
To	35-2-3700-101	Hammond Road Connection	70,735.36
Purpose: To make final reimbursement to NCDOT for construction of Hammond Road north of Rush Street.			
From	43-2-5080-100	Contingency	$ 3,700.00
To	43-2-5010-100	Salaries	3,000.00
To	43-2-5010-101	Fringes	200.00
To	43-2-5010-230	Vehicle M&O	250.00
To	43-2-5010-260	Supplies	250.00
Purpose: To provide funds for 1983-84 Summer Clean-Up Program.			

	CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From	84-2-1401-000	North Area Lines	$466,688.00
To	84-2-1405-101	WS 1983-1 Construction	464,688.00
To	84-2-1405-104	Misc.	2,000.00

Purpose: Construction of 30" main in existing Winton Road and award of contract for this first phase of the Atlantic Avenue Project.

From	38-2-2010-106	Plumbing, Swimming Pool	$ 4,294.00
To	38-2-1000-100	Council Reserve	4,294.00

Purpose: Change Order - Biltmore Hills and Ridge Road Pools, P-2, AAA Electrical Company, Inc.

From	43-2-4050-105	ED Market Plaza Imp.	$ 76,000.00
To	43-2-4050-106	Festive Retail Study	76,000.00

Purpose: To provide funds for Zuchelli-Hunter and Cranston Study on the Festive Retail Project.

From	43-2-4130-100	Salaries-Relo.	$ 500.00
	43-2-4140-100	Salaries-Demo.	50.00
	43-2-4120-101	Fringes-Admin.	75.00
	43-2-4120-260	Office Supplies-Admin.	400.00
	43-2-4130-260	Office Supplies-Relo.	400.00
	43-2-4140-260	Office Supplies-Demo.	125.00
	43-2-4150-260	Office Supplies-Acq.	240.00
	43-2-4140-229	Legal Ads - Demo.	340.00
			$ 2,130.00
To	43-2-4120-100	Salaries-Admin.	25.00
	43-2-4130-101	Fringes-Relo.	710.00
	43-2-4150-101	Fringes-Acq.	220.00
	43-2-4130-231	Travel-Relo.	175.00
	43-2-4140-231	Travel-Demo.	30.00
	43-2-4150-231	Travel-Acq.	10.00
	43-2-4120-228	Telephone-Admin.	240.00
	43-2-4120-239	Insurance-Admin.	5.00
	43-2-4130-239	Insurance-Relo.	10.00
	43-2-4140-239	Insurance-Demo.	25.00
	43-2-4120-229	Legal Ads - Admin.	680.00
			$ 2,130.00

Purpose: To concur with budgetary amendments requested by Raleigh Housing Authority.

From	03-2-5400-131	Service Salaries	$ 3,132.00
	03-2-5400-131	Service Salaries	1,429.23
	03-2-5400-109	Allowances	1,339.77
To	03-2-5400-134	Child Care (A)	3,132.00
	03-2-5400-135	Enrollee Transp. (A)	1,429.23
	03-2-5400-135	Enrollee Transp. (A)	1,339.77

Purpose: To supplement deficit line item accounts.

From	01-2-6010-275	Use of School Facilities	$ 3,500.00
To	01-2-6010-286	July 4th Celebration	3,500.00

Purpose: Payment for large rides.

Adopted: 7/5/83

ORDINANCE NO. (1983) - 145 TF 1

AN ORDINANCE TO AMEND THE 1983/1984 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That $2,400.00 of the General Fund Contingency, Code Account 01-2-1040-001, is hereby transferred from that appropriation and added to the appropriations made in the 1983/1984 budget ordinance as follows:

$2,400.00 to Code Account 01-2-4110-231, Travel, to provide sufficient funds for moving expense - Chief Kuster.

Adopted: 7/5/83

BID REQUEST 82-65 - SEWER JET MACHINE ON CAB AND CHASSIS - BID AWARDED TO NORTH CAROLINA EQUIPMENT COMPANY

Pursuant to advertisement as required by law bids were received and publicly opened in the office of the Purchasing Agenda on June 22, 1983 for a Sewer Jet Machine mounted on Cab and Chassis with results as follows:

Item 1 - Sewer Jet Machine

North Carolina Equipment Company	$23,814.00
Cities Supply Company, Inc.	$24,988.75

Item 2 - Truck, Cab and Chassis for Mounting Sewer Jet Machine

Cardinal International	$30,685.56
Cities Supply Company, Inc.	$30,965.95

ALTERNATE:
Sewer Jet Machine Mounted on Truck Chassis

A.	North Carolina Equipment Company F.E. Myers MHV-7-15L6, mounted on 1984 GMC truck	$53,664.00
B.	Cities Supply Company, Inc. SRECO-HS-2000, mounted on 1984 Ford chassis	$54,689.00

Administration recommends that the bid be awarded on Alternative A to North Carolina Equipment Company. Consent Agenda approval: Upchurch/Calloway - 8 ayes.

WS 1983-1 - WATER - 30-INCH WATER MAIN IN WINTON ROAD - BID AWARDED TO HAWLEY CONSTRUCTION COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened on Thursday, June 23, 1983 by the City Engineer for the 30-inch water main in Winton Road with results as follows:

Hawley Construction Company	Base Bid	$489,528.00
	Alternate	$464,688.00
T. A. Loving Company	Base Bid	$523,792.50
	Alternate	$501,409.50
Dellinger, Inc.	Base Bid	$523,792.50
	Alternate	$506,628.10
J.F. Wilkerson Construction Company	Base Bid	$526,005.75
	Alternate	$482,516.25
RGK, Inc.	Base Bid	$571,706.60
	Alternate	$548,396.60
W.M. Paris & Associates, Inc.	Base Bid	$574,489.25
	Alternate	$558,643.00

Administration recommends that the contract be awarded to the low bidder Hawley Construction Company in the amount of the alternate bid of $464,688. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

BID REQUEST 83 - TOWING CONTRACTS - JOINT AWARD MADE

Pursuant to advertisement as required by law, five bids were received and administration recommends approval of these companies, with the term of contracts being July 1, 1983 to June 30, 1984. These companies meet all specifications and will be called on a rotating basis. It is recommended that the Council award the contracts to Brack Barbour's Wrecker Service, Brentwood Wrecker Service, Price's Paint and Body Shop, Reeves Wrecker Service and Stallings Wrecker Service and that the Mayor be authorized to sign the contract. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

PU 1983 - 11, 12, AND 13 - VARIOUS LOCATIONS - RESOLUTION OF INTENT ADOPTED

P.U. 1983-11 - Within Winthrop Drive beginning at the existing manhole just east of Dodsworth Drive, stopping short of Braddock Drive. It is recommended that approximately 680 feet of 8-inch sanitary sewer main be installed at the above location. The estimated cost is $14,000. Recommend assessment be on a per lot basis. The request is made by H. W. Goodrich and Thomas Olls. It is requested that Council adopt a resolution of intent and set a public hearing date for August 16, 1983.

P.U. 1983-12 - Within Lynn Road, Hinton, Hunter, and Lilac Streets and easements to serve the area in the southwest corner of Lynn and Creedmoor Roads. It is recommended that approximately 7,200 feet of 8-inch sanitary sewer main be installed at

the above location. The estimated cost is $180,000. Recommend assessment of front footage in rights-of-way and abutting footage in easements. The request is made by Vince Struble and Willie Leggett. It is requested that Council adopt a resolution of intent and set a public hearing date for August 16, 1983.

P.U. 1983-13 - Within the street rights-of-way on Hinton, Hunter, and Lilac Streets. It is recommended that approximately 2,400 (±) feet of 6-inch water main be installed at the above location. The estimated cost is $48,000. Recommend assessment be on front footage method. The request is made by Willie Leggett. It is requested that Council adopt a resolution of intent and set a public hearing date for August 16, 1983.

Consent Agenda approval - Upchurch/Calloway - 8 ayes.

RESOLUTION NO. (1983) - 282

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE WATER AND SEWER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the water and sewer system of the City of Raleigh be constructed, reconstructed, extended and otherwise imporved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct water and sewer mains located and described as follows:

(a) PU 1983-11 - Installation of 680 feet of 8-inch sanitary sewer main within Winthrop Drive beginning at existing manhole just east of Dodsworth Drive, stopping short of Braddock Drive. (Assessment on a per lot basis to apply.)

(b) PU 1983-12 - Installation 7,200 feet of 8-inch sanitary sewer main within Lynn Road, Hinton, Hunter and Lilac Streets and easements to serve the area in the southwest corner of Lynn and Creedmoor Road. (Assessment on front foot basis in right-of-way and abutting foot in easements.

(c) PU 1983-13 - Installation of 2,400 feet ± of 6-inch water main within the street right-of-way of Hinton, Hunter and Lilac Streets. (Assessment on front foot method to apply.)

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: Front footage of property abutting the extension.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such propety owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the sixteenth day of August 1983, at 7:00 p.m., in the Council Chamber, Room 315, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: 7/5/83

TRAFFIC - VARIOUS CHANGES - ORDINANCES ADOPTED

The Agenda presented recommended changes in the Traffic Code relating to 15-minute parking on West Hargett Street, parking removal on Dawson Street Extension and the north east corner of South and Dawson Streets, time limit parking on Hargett Street, traffic signals on Navaho Drive and Wake Forest Road as well as Rock Quarry Road and the Beltline. The recommendations relating to the traffic signals were recommended to be effective immediately. Administration recommends approval of the changes in the traffic code as outlined in the Agenda. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

ORDINANCE NO. (1983) - 146

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 15a entitled "FIFTEEN MINUTE PARKING" be amended by adding the following:

Hargett Street, north side, beginning at a point 325 feet west of West Street, westward 60 feet

Amend said Section further by deleting the following:

Hargett Street, south side, beginning at a point 50 feet west of Boylan Avenue, westward 50 feet

Hargett Street, south side, beginning at a point 69 feet east of Fayetteville Street extending to Wilmington Street

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective July 12, 1983.

Adopted: 7/5/83

Effective: 7/12/83

ORDINANCE NO. (1983) - 147

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH NECESSARY FOR THE IMMEDIATE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That Schedule No. 1A entitled "TRAFFIC SIGNALS AND PEDESTRIAN SIGNALS" be amended by adding the following:

Beltline ramps and Rock Quarry Road
Navaho Drive and Wake Forest Road

Section 2. That Traffic Schedule No. 2 entitled "STOP INTERSECTIONS" be amended by deleting the following:

Navaho Drive at Wake Forest Road

Section 3. That Schedule No. 6A1 entitled "CHANNELIZATION" be amended by adding the following:

Navaho Drive at Wake Forest Road, 7:00 a.m. to 9:00 a.m. and
4:00 p.m. to 6:00 p.m., Monday through Friday

Amend said Section further by deleting the following:

Navaho Drive, both approaches to Wake Forest Road, 7:00 a.m. to
6:00 p.m., Monday through Friday

Section 4. That Schedule No. 6C4 entitled "CHANNELIZATION" be amended by adding the following:

Rock Quarry Road, southbound at the northern Beltline ramp

Section 5. That Schedule No. 6C9 entitled "CHANNELIZATION" be amended by adding the following:

Rock Quarry Road, southbound at the southern Beltline ramp

Section 6. That Schedule No. 6C11 entitled "CHANNELIZATION" be amended by adding the following:

Beltline exit ramp, eastbound at Rock Quarry Road

Section 7. That Schedule No. 6C15 entitled "CHANNELIZATION" be amended by adding the following:

Rock Quarry Road, northbound at the Beltline ramps

Section 8. That Schedule No. 13 entitled "NO PARKING ZONES" be amended by adding the following:

Dawson Street, both sides, between Lenoir Street and South Street
South Street, north side, between Dawson Street and McDowell Street

Amend said Section further by deleting the following:

Dawson Street, east side, from Lenoir Street southward 65 feet
South Street, north side, from McDowell Street, westward 150 feet

Section 9. That all laws and portions of laws thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 10. That this ordinance, being an emergency ordinance, shall become effective upon its adoption.

Adopted: 7/5/83

END OF CONSENT AGENDA

COMMUNITY DEVELOPMENT - TRANSFER - AUTHORIZED

The Consent Agenda had recommended a transfer in the amount of $76,000 relating the the festive retail study to provide funds for the Zuchelli-Hunter and Cranston Studies on the festive retail project. Mr. Walters indicated he requested that this item be removed from the Consent Agenda indicating he thought the transfer should have been in the amount of $75,000. Brief discussion took place after which Mr. Edwards moved the transfer in the amount of $76,000 as outlined in the Consent Agenda relating to the festive retail study be approved. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 281 TF 1.

BID REQUEST 83-6 - POLYMER - BID AWARDED TO STOCKHAUSEN, INCORPORATED AND BID REQUEST 83-7 - BID AWARDED TO ALLIED COLLOIDS

Pursuant to advertisement as required by law, the following bids were received and publicly opened in the office of the Purchasing Agent on June 22, 1983 with results as follows:

Bid Request 83-6 - Polymer - Thickening Aerobically Digested Sludge
- Stockhausen, Inc. - Certified Check - Praestol 534k (38,250 lbs.) - $2.12/lb. - $81,090.00. Allied Colloids, Inc. - Certified Check - Percol 757 (51,000 lbs.) - $2.10/lb. - $107,100.00.

We asked for the cost of polymer required to treat 7,500 tons of sludge. Previous trials on different polymers and as a result, these two manufacturers had a product that met our specifications.

Bid Request 83-7 - Polymer - Secondary Settling Aid - Allied Colloids, Inc. - Certified Check - Percol 763 (21,267 lbs.) - $2.00 lb. - $42,534.00. Calgon Corp. - Certified Check - Wt. 1700 (28,356 lbs.) - $1.71/lb. - $48,488.76. Stockhausen, Inc. - Certified Check - Praestol 411k (31,900 lbs.) - $1.60/lb. - $51,040.00.

We asked for the cost of polymer required to treat 8,500 million gallons of aerated wastewater. Previous trails on different products tried and as a result, these three manufacturers had a product that met our specifications.

Mayor York indicated he requested these two items be withdrawn from the Consent Agenda. He pointed out that Administration is recommending the low total bid on each item, however it is not the low bid per unit price as it relates to the total amount is utilizing a smaller quantity, therefore the total amount is less, but their unit price is higher. He questioned if we know that the smaller quantity will do the job sufficiently and if so, how it was determined. Assistant Public Utilities Director Simmons indicated prior to advertising for bids, the City notifies the different suppliers that the City is going out to bid and the City would like to test their particular polymer in our own laboratory. He stated we do the testing and the bid is basically awarded on a performance specification and all of the suppliers know this. Mr. Edwards indicated he talked with Mr. Simmons about this and he would like to commend the Public Utilities Department on their way of testing and the fact that we

are basing the bids on performance specifications. In response to questioning, Mr. Simmons indicated the City has received no comment from the various suppliers on the way the City is handling the bid award. He indicated all of the suppliers know up front that this is the way the bids will be awarded, that is, performance standards. Mr. Upchurch moved THAT BID REQUEST 83-6 BE AWARDED TO STOCKHAUSEN INCORPORATED AND BID REQUEST 83-7 BE AWARDED TO ALLIED COLLOIDS. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

SPECIAL ITEMS

CABLE ADMINISTRATION - TO BE PLACED ON AUGUST 2, 1983 AGENDA

Mayor York indicated during the last Council meeting the Council received a proposed ordinance setting up the Raleigh Cable Commission and Articles of Incorporation for the Raleigh Cable Access Corporation. It was directed that the item be placed on this Agenda for consideration. City Attorney McCormick indicated he had talked with the City Manager relative to this item earlier in the day. He pointed out the Manager is in the final process of filling the cable administrator position, and the Manager suggested that maybe the Council wanted to hold this item until the cable administrator comes on board as he may have some suggestions and input into this matter. City Attorney McCormick stated he saw no problem if the Council wanted to hold the item. Mayor York indicated he had a couple of questions that maybe we could discuss, and pointed out he had no objection to holding the item if the Council so desires. He stated his first question related to the Ordinance establishing the Raleigh Telecommunication Commission and related to Section 9-9004(5) which referred to an evaluation not less than every five years. He indicated that with the ever changing technology in the cable field that maybe this should be every three years. City Attorney McCormick indicated it could be more often if the Council so desired. He pointed out there is a provision in the franchise agreement that the City Council could review whenever they wanted to with Mr. Jordan pointing out, he feels the important thing is that it be done at certain intervals. Mayor York indicated his next question related to the Articles of Incorporation of the Raleigh Cable Access Corporation. He indicated this was discussed briefly at the last meeting, but pointed out in reading through the proposed articles, it shows the City Attorney, the City Clerk and the City Manager as the initial Board of Directors and then seems to read that those three people would appoint the 15 directors, questioning if the Council would not have any input. City Attorney McCormick indicated the Council would definitely have input that he had just assumed that the Council would nominate the 15 people and the initial Board of Directors would just name these as the board. He indicated if the Council went along with the suggestion of holding this, that may be the Council could go ahead and make the 15 nominations and they could be inserted in the original articles of incorporation.

In response to questioning, City Manager Zachary indicated he had narrowed the applicants down to five or six. He indicated he started interviewing a couple of weeks ago and during one of the interviews, one of the applicants expressed some concern about the Cable Access Corporation having complete control over the institutional link and that is why he had suggested holding it. He stated he would hope to make a selection soon. Mr. Edwards moved that the Council hold action on the Cable Administration as recommended but placed the item on the first agenda in August for re-evaluation. His motion was seconded by Mr. Walters and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

TC-233 - THOROUGHFARE DISTRICT AND COMMENTS FROM APPEARANCE COMMISSION - REFERRED TO INTERGOVERNMENTAL COMMITTEE

This is a request for approval to amend Part 10, Chapter 2 of the Raleigh City Code, to add a new section, 10-2045.1; said section to follow Section 10-2045, Business District; and to amend related sections of the City Code, as specified in the ordinance, as amended (attached to CR-2007). Certified Recommendation 2007 from the Planning Commission recommends that TC-233, as amended, be adopted according to the ordinance attached to the Certified Recommendation.

Mayor York indicated that the Appearance Commission Chairman wishes to address the Council on this item and without objection, he would request that we do hear from Norman Burns. Ms. Burns presented a prepared statement which indicated the Appearance Commission recommends that the City Council adopt a proposed thoroughfare district as drawn by the Planning Commission with the following changes and additional recommendations:

1. Off premises sign should be prohibited in the thoroughfare district.

2. A task force should be established to examine the overall status and impact of billboard regulations contained in the sign ordinance. She stated they would recommend that this task force fall under the guidance of the Council's Comprehensive Planning Committee and be composed of two members each from the Appearance Commission, Planning Commission and the RCAC.

3. A 90-day renewable moratorium on issuance of permits for billboards and other permanent off-premise signs should be established while the task force is considering these regulations. She indicated she had forwarded Council members a copy of the moratorium which has recently been enacted in the City of Austin, Texas. She pointed out that City Attorney McCormick

had indicated that this might not be possible in the City of Raleigh. She explained however the City of Austin, Texas did enact a moratorium due to a rapidly increasing incidence of billboards and off-premises signs in the City of Austin which created an emergency calling for immediate action of the City Council for the preservation of the public peace, health, safety and welfare. Ms. Burns explained each of the recommendations in full and presented Council with written statements as to why the recommendations were made.

Mr. Upchurch indicated Ms. Burns entire remarks center on billboards, but questioned how the Appearance Commission feels about the remainder of the proposed text change. Ms. Burns indicated they are strongly in favor of the ordinance as it stands with the recommendations made by the Appearance Commission. She indicated the element relating to billboards is the only problem and they would like to have that one aspect deleted, but other than that, they support the ordinance in its remaining entirety. In response to questioning, City Attorney McCormick indicated it would be possible to have a moratorium. However it would call for careful composition, reasoning, findings of fact, why the moratorium is called, reasonable time limit, etc. He stated however he didn't see anyway of putting a moratorium and on permits that have already been issued. Mr. Edwards questioned if we could take the position of not issuing any more permits with City Attorney McCormick indicating this is possible but he would caution the Council if they choose that route to make sure to have a detailed findings of fact, etc. on which to base the action. Mr. Walters questioned if the Council could not just ask the City Manager not to issue any more permits while the issue is being studied. He stated it is almost a mute point as enough permits have already been issued to keep the billboard people busy for the rest of the year. Lengthly discussion took place as to what action could be taken, recent cases handed down by the courts and the fact that the billboard issue is interwined in the entire proposal relating to this thoroughfare district.

Mr. Walters indicated he feels a moratorium is a new point at this point as you can see a proliferation of billboards all over the City. He indicated anywhere in the City you can see three times the number of billboards you could sometime back. Mr. Edwards pointed out there is a comparison of setbacks in different zoning classifications included in the proposal. He stated he feels we are a little behind in setback allowance and pointed out Mr. Upchurch worked on the sign ordinance and maybe it should be looked at in Committee. Mr. Edwards moved that TC-233 be referred to the Intergovernmental Committee with a report being made back at the next meeting. His motion was seconded by Mr. Upchurch. Mr. Jordan questioned what would be referred to the Committee with Mr. Edwards pointing out he is suggesting referring the Planning Commission's report as well as the Appearance Commission's recommendation. Mr. Jordan indicated he felt that we should go ahead and appoint the task force and let the Intergovernmental Committee and the task force may be the first meeting in September. Mayor York indicated if the text change is referred to Committee, that the Council could request that the billboard companies work with the City and not against the City by trying to beat the City by applying for permits. He stated he just hates to see a moratorium or a band aide effect to the problem. Mr. Jordan again asked for classification about what would be referred to the Intergovernmental Committee and the need to go ahead with the Task Force. Lengthy discussion took place on whether a moratorium should be applied, what has occurred since the proposed text change came about, and the recommendations being made. Mr. Walters moved that we have a moratorium on billboard permits and instruct the City Attorney to draft an ordinance to enforce the moratorium. This motion did not receive a second. Mr. Walters indicated he saw no reason to have a study or a task force as the Council is now putting the billboard industry on alert what is going to be occurring and permits will be applied for all over the City. Mr. Edwards indicated if the item is referred to Committee, that does not preclude the possibility of having a moratorium with Mr. Walters indicating he feels that his motion should be voted on first. What the proposed text change as presented would allow was discussed at length. After which, the motion to refer TC-233 and the Appearance Commission's recommendation to Intergovernmental Committee with a report back on July 19 was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REPORT OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED AS PRESENTED

Mayor York presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular consent agenda. No items were pulled from the Consent Agenda. Mr. Edwards requested that he be excused from participation in S-42-83 as his company is involved in this project. Without objection Mr. Edwards was excused. Mr. Calloway moved the Planning Commissions recommendation on the Consent Agenda be upheld. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting int he affirmative. THE MAYOR RULED THE MOTION ADOPTED. The items on the Planning Commission Consent Agenda were following:

S-55-83 - CARLTON ESTATES - APPROVED

This was a request for approval to subdivide a 4.24 acre parcel which is currently undeveloped and zoned Residential-4 into three (3) lots. The property is located on the east side of Leesville Road, just south of Sprague Road, outside the City Limits.

CR-1993 from the Planning Commission recommended that this request be denied according to a map entitled, "Carlton Estates," the property of Carl Shibica, drawn by Glenn D. Ward and Associates, dated June 1, 1983. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

S-73-83 - BRUTON PARRISH OFFICE CONDOMINIUMS - APPROVED WITH CONDITIONS

This was a request for approval to construct an 11-unit office condominium project on a 2.82 acre parcel which is currently undeveloped and zoned Office and Institution-III.

The property is located on the south side of Benson Drive, near Wake Forest Road, inside the City Limits.

CR-1996 from the Planning Commission recommended that this request be approved according to the revised map entitled, "Bruton Parrish Office Condominiums," the property of Philip Baum, drawn by Community Planning Associates, Inc., dated June 9, 1983, with the condition that the legal documents for the non-profit owners association be reviewed and approved by the City Attorney's Office prior to recording of the final plats; and grants a variance to the Group Housing Design Standards, Sections 10-2075(b)(2) and 10-2075(d)(3). Consent Agenda approval - Calloway/Edwards - 8 ayes.

PA-172 - BRUTON PARRISH OFFICE CONDOMINIUMS - APPROVED WITH CONDITIONS

This was a request for approval to construct an 11-unit office condominium project (36,000 square feet) on a 2.82 acre parcel which is currently undeveloped and zoned Office and Institution-III. The property is located on the south side of Benson Drive, near Wake Forest Road, inside the City Limits.

CR-1997 from the Planning Commission recommended that this request be approved according to the revised map entitled, "Bruton Parrish Office Condominiums," the property of Philip Baum, drawn by Community Planning Associates, dated June 9, 1983 with the condition that the legal documents for the non-profit owners association be reviewed and approved by the City Attorney's Office prior to the recording of the final plats; and grants a variance to the Group Housing Design Standards, Sections 10-2075(b)(2) and 10-2075(d)(3). Consent Agenda approval - Calloway/Edwards - 8 ayes.

PA-174 - BROUGHTON FARM DRIVEWAY - APPROVED

This was a request for approval to construct a driveway for a mini-warehouse storage facility, immediately adjoining U.S. 1 North, across a strip of Office and Institution-III zoned land on a currently undeveloped 80.37 acre tract zoned Office and Institution-III, Industrial-I and Residential-6. The property is located on the east side of U.S. 1 North, just south of the K-Mart Shopping Center, outside the City Limits.

CR-2003 from the Planning Commission recommended that this request be approved according to a map entitled, "Broughton Farm Driveway," developed by Colonial Storage, Inc., drawn by Penny Greene and Associates, dated June 16, 1983. Consent Agenda approval - Calloway/Edwards - 8 ayes.

PA-179 - MARRIOTT UTILITY BUILDING - APPROVED

This was a request for approval to construct a 12 x 28-foot (336 square feet) utility building at the existing hotel site, zoned Office and Institution-II. The property is located on the north side of Glenwood Avenue, across from Crabtree Valley Shopping Center, inside the City Limits.

CR-2004 from the Planning Commission recommended that this request be approved according to a map entitled, "Marriott Utility Building," the property of Marriott Hotel, drawn by Marriott Hotel, dated June 1, 1983. Consent Agenda approval - Calloway/Edwards - 8 ayes.

S-74-83 - BLOSSOM RIDGE - APPROVED WITH CONDITIONS

This was a request for approval to construct nine (9) condominium units in three (3) buildings on a 1.5 acre tract, zoned Residential-6. The lot is currently developed with a duplex which will be converted. The property is located on the east side of Ray Road, just south of Lynn Road, inside the City Limits.

CR-2005 from the Planning Commission recommended that this request be approved according to a map entitled, "Blossom Ridge," the property of Hoerner and Associates, drawn by Falls, Inc., dated April 1, 1983, with the following conditions: (1) that as-built drawings for the existing structure are presented and approved by the Staff; (2) that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office; and (3) that Conditions #1 and #2 be met before recording the final plats. Consent Agenda approval - Calloway/Edwards - 8 ayes.

SC-200 - HORWITZ'S DELI - APPROVED

This was a request for approval to construct a 178-square foot addition to an existing building in North Ridge Shopping Center. The site is 23.9 acres and zoned Shopping Center. The property is located on the east side of Falls of Neuse Road, just north of Carlos Drive, inside the City Limits.

CR-2006 from the Planning Commission recommended that this request be approved according to a map entitled, "Horwitz's Deli," developed by Neil Horwitz, drawn by Scovil and Rairden, dated June 1, 1983. Consent Agenda approval - Calloway/Edwards - 8 ayes.

S-42-83 - MILL RIDGE CONDOMINIUMS PHASING - APPROVED WITH CONDITIONS

This was a request for approval to subdivide 19 acres which are zoned Residential-10 and are being developed as residential condominiums into three (3) tracts. The property is located on the southwest corner of Duraleigh and Ebenezer Church Roads, outside the City Limits.

CR-2008 from the Planning Commission recommended that this request be approved according to a map entitled, "Mill Ridge Condominiums Phasing," the property of Olde Raleigh Development Company, drawn by Dockery, Hunter, Reynolds and Jewell, PA and John A. Edwards and Company, dated March 1, 1983, revised March 3, 1983, and April 18, 1983, with the condition that the legal documents for the non-profit homeowners association be approved by the City Attorney's Office prior to recording the final plans. Consent Agenda approval - Calloway/Edwards - 7 ayes (Mr. Edwards excused during vote on the Consent Agenda).

PROPOSED TEXT CHANGE - AMENDMENTS TO THE CLUSTER DEVELOPMENT ORDINANCE - PUBLIC HEARING AUTHORIZED

This was a request for approval to amend Sections 7, 8 and 9 of Ordinance No. (1983) - 95 TC 179 to clarify the application of the ordinance to residential projects only.

CR-2009 from the Planning Commission recommended that the ordinance attached to Certified Recommendation 2009 be advertised for public hearing. Consent Agenda approval - Calloway/Edwards - 8 ayes.

Brief discussion took place with it being pointed out there is a request to have this public hearing as soon as possible. After brief discussion by general consensus, the Council agreed that the public hearing would be the first meeting in August and this would be a special joint hearing before the Council and the Planning Commission.

END OF PLANNING COMMISSION CONSENT AGENDA

S-69-83 - PLAZA WEST SHOPPING CENTER- REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to subdivide a 24 acre tract which is currently undeveloped and zoned Shopping Center into six (6) lots. The property is located at the southeast corner of Western Boulevard and Jones-Franklin Road, inside the City Limits.

CR-1967 from the Planning Commission recommended that this request be approved according to a map entitled, "Plaza West Shopping Center," the property of D & J Development Company, drawn by Envirotek, Inc., dated May 4, 1983, with the condition that the dedication of right-of-way and construction of road improvements to Jones-Franklin Road and Western Boulevard be shown on the plan as previously approved by the City Council on August 5, 1975.

Mr. Edwards asked Planning Commission Chairman Graham to elaborate on the relocation of Jones Franklin Road. Mr. Graham indicated the Planning Commission received conflicting information relating to the relocation of Jones Franklin Road. He indicated the Planning Commission felt the proposed subdivision should not be held up pending reworking of the intersection. Mr. Edwards indicated he felt that this should be looked at and would request that S-79-83 be referred to Public Works Committee. His motion was seconded by Mr. Keller. Mr. Keller pointed out the area has already been rezoned to Shopping Center and that is fine, but he feels that we should not allow the construction of the shopping center until the whole matter of roads and circulation could be resolved. The motion as stated was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

SC-188 - PLAZA WEST SHOPPING CENTER - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to construct a shopping center and apartment project on 24 acres (six (6) proposed lots), zoned Shopping Center. The plan shows five (5) structures for commercial use and a schematic apartment complex of 120 units. The plan shows a total of 63,757 square feet of commercial space. The property is located at the southeast corner of Western Boulevard and Jones-Franklin Road, inside the City Limits.

CR-1968 from the Planning Commission recommended that this plan be approved according to a map entitled, "Plaza West Shopping Center," the property of D & J Development Company, drawn by Envirotek, Inc., dated May 4, 1983, with the condition that the dedication of right-of-way and construction of road improvements to Jones Franklin Road and Western Boulevard be shown on the plan as previously approved by the City Council on August 5, 1975; and the extension of the deceleration lane to the southern most driveway.

Mr. Edwards indicated this relates to Subdivision S-69-83 that has been referred to Public Works and he would move that SC-188 also be referred to Public Works Committee. His motion was seconded by Mr. Keller and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

COMMITTEES, COMMISSIONS AND BOARDS

DOWNTOWN HOUSING IMPROVEMENT CORPORATION - REVEREND GEORGE HAWKINS APPOINTED

The City Clerk reported the term of Billy Lee Harris expired July 3, 1983. Nominations include the Reverend George Hawkins and nominations have not been closed. There being no further nominations, Mr. Walters moved that nominations to DHIC be closed and Reverend Hawkins appointed by acclamation. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

HISTORIC DISTRICTS COMMISSION - NOMINATIONS MADE

The City Clerk reported the term of Arthur McKimmon expired June 30 and he is not eligible for reappointment. The following terms also expired June 30, and they are eligible for reappointment: John Castleberry, Calvin R. Parks and John W. Kinney, Jr. The City Clerk indicated she had supplied all members of Council a listing of the members of the Properties Commission as all members of the Districts Commission must first be a member of the Properties Commission. She suggested whatever action is taken for appointments to the Districts Commission should be made effective July 1, 1983. Ms. Babb requested the Clerk to supply the Council with a listing of the members of the existing Districts Commission. Mr. Walters nominated Mr. Castleberry, Mr. Parks and Mr. Kinney. Mr. Edwards nominated William Bingham. No further action was taken.

HOUSING APPEALS BOARD - WILLIAM D. HARAZIN APPOINTED

The City Clerk reported one vacancy due to the resignation of Rene Grover, William D. Harazin has been nominated and nominations have not been closed. There being no further nominations, Mr. Walters moved that nominations to the Housing Appeals Board be closed and Mr. Harazin appointed by acclamation. His motion was seconded by Mr. Calloway, put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

PARKS AND RECREATION ADVISORY BOARD - EARL CURRY APPOINTED

The City Clerk reported one vacancy due to the resignation of Leslie Wright. Nominations include Earl Curry and Dorothy Moses. Mr. Keller moved that nominations to the Parks and Recreation Advisory Board be closed. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously.

A ballot vote resulted as follows: Curry - 5 (Calloway, York, Jordan, Keller, Walters); Moses - 3 (Babb, Upchurch, Edwards). The Mayor announced the appointment of Earl Curry to the Parks and Recreations Advisory Board.

CIVIL SERVICE COMMISSION - JAMES L. ATKINSON - CONFIRMED

The City Clerk reported the term of Wayne J. Hurder, one of the employee representatives on the Civil Service Commission, expires July 7, 1983. City employees have gone through the selection process and submit the name of James L. Atkinson for appointment by the City Council for a four year term effective July 8, 1983. Mr. Edwards moved that James L. Atkinson be confirmed as a member of the Civil Service Commission as outlined by the Clerk. His motion was seconded by Mr. Calloway and passed unanimously.

RALEIGH CABLE ACCESS CORPORATION - RALEIGH TELECOMMUNICATION COMMITTEE - NO ACTION TAKEN

It was agreed that these two items will continue to appear on the appointment memo with the understanding that the ordinances establishing the Cable Access Corporation and the Telecommunication commission would be on the August 2, Agenda for consideration.

APPEARANCE COMMISSION - NOMINATIONS MADE

The City Clerk reported the term of Al Brothers expires July 21, and he is not eligible for reappointment. The term of Vince Zucchino expires August 4, 1983. He is eligible for reappointment and his attendance record is good. No nominations have been made. Mr. Upchurch and Mr. Edwards nominated Mr. Zucchino. No further action was taken.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

CABLEVISION FRANCHISE - REMOVED FROM THE AGENDA

Chairman Jordan reported the Law and Finance Committee recommends that this item be removed from the Agenda as all items relating to Cable Franchise have been handled. On behalf of the Community, he moved the motion be held. His motion was seconded by Mr. Keller and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

SEWER CLAIMS REVIEW - DENIED - REMOVED FROM THE AGENDA

Chairman Jordan reported the Law and Finance Committee recommends that this item be removed from the Agenda with no action taken to change the present policy relating to sewer claims. On behalf of the Committee he moved the recommendation upheld. His motion was seconded by Mr. Keller and passed unanimously. THEY MAYOR RULED THE MOTION ADOPTED.

SITE PLAN APPROVAL - MOBILE UNITS - REMOVED THE AGENDA; ADMINISTRATION TO FOLLOW-UP ON MOBILE UNITS

Mr. Jordan reported the Law and Finance Committee recommends that this item be removed from the Agenda as it was understood that Administration currently reviews plans for mobile units in site plan approval zones. The Committee recommends that Administration follow-up on mobile units such as shrimp trucks, plant trucks, shrub trucks, etc., to make sure that the proper privilege licenses are being obtained. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

PROGRAM ANALYSIS/EVALUATION - REMOVED FROM THE AGENDA

Chairman Jordan reported the Law and Finance recommends that this item be removed from the Agenda with no action taken as this was considered during the zero based budgeting discussion. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

GENERAL DEVELOPMENT STUDY - POSSIBILITY OF SEPARATE INSPECTIONS DEPARTMENT - REFERRED TO ADMINISTRATION FOR REPORT BACK TO PUBLIC WORKS COMMITTEE; REMAINDER OF GENERAL DEVELOPMENT STUDY RECOMMENDATION - REFERRED TO WORK SESSION

Chairman Edwards reported the Public Works Committee has requested that Administration develop a plan for implementing the recommendations included in the report relating to the possibility of a separate Inspections Department and other items relating to the development process. This portion of the study will remain in Public Works Committee. The Committee further recommends that the remainder of the recommendations included in the study be referred to the full Council for consideration. On behalf of the Committee Mr. Edwards MOVED THE RECOMMENDATION BE UPHELD. His motion was seconded by Mrs. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

STREET AND UTILITY IMPROVEMENTS - ATLANTIC AVENUE - RESOLUTIONS OF INTENT ADOPTED

Chairman Edwards reported the Public Works Committee recommends that a public hearing be held to consider an alternate alignment for Atlantic Avenue, which utilizes the route along the western edge of the Highwoods property and substantially adjacent to the railroad except at the north end of the Highwoods property. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) - 279

A PRELIMINARY RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO MAKE STREET IMPROVEMENTS AS DESCRIBED HEREIN AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council under the provisions of Section 6.44 of the Charter of Raleigh, Chapter 1184 of the Session Laws of North Carolina, 1949, as amended, is authorized to require street improvements without petition under the conditions therein set out; and

WHEREAS, The City Council finds that improvements as described herein are necessary in the public interest; that the owners of property abutting the improvements are unwilling or have failed to sign a petition for such improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Section 6.44 of the Charter of the City of Raleigh; Chapter 1184, Session Laws of North Carolina, 1949, as amended:

Installation of curbs, gutters, drains and paving 53 feet back to back on Atlantic Avenue from the existing pavement south of the Beltline, northward approximately parallel with the Seaboard Railroad within the western edge of the property at Highwoods Subdivision, the center line coincides with the boundary line between Trenholm properties and John A. Adams to a curve that will tie into Winton Road approximately 300 feet north of the existing south end of Winton Road.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e., the cost of one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh).

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains, and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 4. That the terms and manner of payment of street improvement assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statutes of North Carolina.

Section 6. That a public hearing on all matters covered by this resolution shall be held on the 19th day of July, 1983, at 7:00 p.m., in the Council Chamber of the Municipal Building, Room 315, in the City of Raleigh, North Carolina, or as soon thereafter as the matter can be reached.

Adopted: 7/5/83

RESOLUTION NO. (1983) - 283

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE WATER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh, is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the water system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct water mains located and described as follows:

PU 1983-14 - Installation of approximately 2,500 feet of 30-inch water main within the new right-of-way of Atlantic Avenue from the Beltline right-of-way northward to the present end of Winton Road.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: Front footage of property abutting the extension.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in acordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 19th day of July, 1983, at 7:00 p.m., in the Council Chamber, Room 315, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: 7/5/83

After brief discussion, it was agreed that this public hearing would be scheduled for July 19, 1983.

REPORT AND RECOMMENDATION OF THE INTERGOVERNMENTAL LIAISON COMMITTEE

SWIMMING POOL - EAST RALEIGH SITE - VARIOUS ACTIONS TAKEN

Mr. Upchurch reported the Intergovernmental Liaison Committee has been studying the question of a site for the East Raleigh Swimming Pool and makes the following recommendations:

(1) The Committee recommends approval of Alternative 3, which places the pool away from the Longview School Building and centralizes parking for 61 vehicles on Bertie Drive. (A copy of the plan outlining this alternative will be available at the Council Meeting.)

(2) It is recommended that the method of acquisition or agreement for use of this property be referred to the Real Estate Committee with Administration being directed to proceed to develop values of the property.

(3) The Committee further recommends that Administration respond to the School Board's question relating to size of the pool, advising them the pool is of adequate size to accommodate their aquatic program.

On behalf of the Committee, Mr. Upchurch moved the recommendations be upheld. His motion was seconded by Mr. Keller. Mr. Walters pointed out it had been a question relative to the size of the pool and it is felt that olympic practice could be accomplished in this size pool. The motion as stated was put to a vote and resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

NO REPORT

REPORT AND RECOMMENDATION OF THE MUNICIPAL BUILDING COMMITTEE

NO REPORT

REPORT AND RECOMMENDATION OF THE CITY MANAGER

GROUP HEALTH INSURANCE REVIEW - RECEIVED

Our insurance consultants (Hutchison & Associates) make an annual report to the City Council. It is appropriate to receive the report at this time. This item is normally referred to a committee but it can probably be handled by Council after the report.

The plan renewal anticipates continuing participation by the City in the dependent coverage at the same level as at present ($9.03) and provides for rate increases averaging 6.5% - 7%.

Steve Horney of Hutchison & Associates gave a brief description of the benefits pointing out the life insurance benefits will be increased by 4¢ per $1,000. He stated this is due to adverse conditions over the past year. He stated there has been a saving generated due to the move to self insurance. He stated there is a moderate increase in cost, and the increases have been included in the budget for the coming year. Mr. Walters indicated he had read the report in detail and he feels that the City of Raleigh was wise to go to a self insurance with administrative service contract only. He moved that the report be received. His motion was seconded by Mr. Upchurch and passed unanimously.

ZONING HEARINGS - REVISED PROCEDURES ESTABLISHED

The Council should adopt a schedule for zoning hearings based on its recently revised zoning procedures. Zoning applications may now be filed in July, September, November, January, March and May. Hearings are to be held in the same months, except that a hearing on a specific case may not be held in the same month that the case is filed. For example, a case filed in July may be heard in September, a case filed in September may be heard in November, etc.

Administration recommends that a single zoning hearing be scheduled for the Council and Planning Commission for each filing period. This hearing should be held on the Thursday night after the third Tuesday. This hearing should be limited to zoning cases, text changes and comprehensive plan amendments only. The hearings should be scheduled to begin at 7:00 p.m.

If this recommendation is adopted, the next zoning hearings would be scheduled for September 22, 1983; November 17, 1983; and January 18, 1984.

City Manager Zachary indicated another alternate could be to have all of the zoning at the last Council meeting in each of these months and all requests and petitions and other public hearings at the first meeting in each of these months. Mr. Upchurch indicated he feels the procedure outlined on the Agenda for the Thursday night hearing is good. He stated however he saw no reason that we could not start at 6:00 or 6:30. Mr. Walters indicated he would agree that we could go to this and start earlier. He pointed out also in the past we did put in an approximate time on the cases so that people would have some general idea as to what time to come in. After brief discussion, Mr. Walters moved that Administration's recommendations for a single zoning hearing to be held on the Thursday night after the third Tuesday in the zoning hearing months and that the meetings begin at 6:30 p.m. and the items be timed every 10 minutes. His motion was seconded by Mr. Edwards and after brief discussion put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

JOB TRAINING PARTNERSHIP ACT - REFERRED TO INTERGOVERNMENTAL COMMITTEE

City Manager Zachary indicated Mayor York has received a letter from the Chairman of the Wake County Commissioners on the Job Training Partnership Act. He indicated Mayor York asked that this item be placed on the Agenda and Council Members received a copy of the letter in their Agenda packet. Brief discussion took place and Mayor York suggested that this item be referred to the Intergovernmental Committee to see how the City of Raleigh would be represented under this new setup. Without objection the item was referred to the Intergovernmental Committee.

PW 1983-1 - ANNUAL PAVING CONTRACT - TO BE REBID

The bid opening for the City of Raleigh's annual paving contract, scheduled for 10:00 a.m. Tuesday, June 28, 1983, has been rescheduled for opening at 10:00 a.m. Thursday, June 30, 1983, due to a conflict with a scheduled bid opening at the North Carolina Department of Transportation, Division of Highways.

City Manager Zachary indicated on June 30, only two bids were received, therefore they were not opened and a new bid opening would be scheduled. In response to questioning, City Manager Zachary indicated the only reason he could think of that we received only two bids is the fact that it did conflict with the State DOT and the contractors just did not have enough time to bid on both. The item was received as information.

SWIMMING POOLS - POSSIBLE CHANGE ORDERS - NONE PRESENTED

City Manager Zachary indicated he had felt that there may be change orders relating to the swimming pools that needed Council attention. He stated however none are necessary so no action would be required at this time.

WALNUT CREEK GREENWAY - PROFESSIONAL SERVICES - REFERRED TO THE LAW AND FINANCE COMMITTEE

On March 15, 1983, the Council authorized Administration to solicit proposals for this work. On April 8, 1983, we mailed a request for proposal to all the registered landscape architects in Wake County. By the first of June, we had received proposals from eight firms.

Recommendation: It would be appropriate to refer this item to a committee for a review of the proposals and selection of one architect to recommend. Mr. Calloway moved that the question of professional services for lower Walnut Creek Greenway be referred to Law and Finance Committee. His motion was seconded by Mr. Edwards and passed unanimously. THEY MAYOR RULED THE MOTION ADOPTED.

PILOT PARK - SELECTION OF PROFESSIONAL SERVICES - REFERRED TO PUBLIC WORKS COMMITTEE

City Manager Zachary indicated $450,000 is included in the Capital Budget for the next phase of Glen Eden Pilot Park. He stated the Master Plan for this park was accomplished by Hal McNeely Associates, and the Parks and Recreation Director recommends that that firm have prime responsibility for the next phase, if an appropriate fee and contract can be developed. Mr. Edwards indicated he has no problem whatsoever with Hal McNeely & Associates. He indicated however during budget discussion there was a question as to what is included in the next phase, therefore he would suggest that the selection of professional services for design of facilities of the next construction phase that Glen Eden/Pilot Park be referred to Public Works Committee to look at what will be included. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ADDENDUM

WAKE COUNTY LIBRARY CONTRACT - REFERRED TO INTERGOVERNMENTAL COMMITTEE

City Manager Zachary indicated Council members received a copy of a proposed contract for the complete assumption of the library responsibilities by Wake County. He indicated he believes the contract is consistent with the previous proposal made by the City; therefore, it would be appropriate to consider the contract. City Manager Zachary pointed out however on Page 3, Item 6 that the proposed contract refers to "within 60 days of he department's relocation to the new downtown branch, the City of Raleigh shall contribute and transfer $300,000 to the County for allocation to the Capital Improvement Budget." City Manager Zachary suggested that this be changed to read: "Within 180 days after vacating of the property or 60 days after the sale whichever occurs earlier."

Mr. Jordan questioned the term of the contract with it being pointed out that the term of the contract would be through June 30, 1984 and would automatically continue in effect on a year-to-year basis until terminated by either party upon 90 days written notice. Discussion took place on exactly what this would mean. Mr. Jordan indicated we will be transferring all these assets to the County and the County could decide next year they do not want to have the responsibilities for the library anymore and then they would have our money. Mr. Walters pointed out we have worked long and hard on trying to get the County to take over the library. He indicated we offered them a deal and this contract just reiterates that deal in written form, or finalizes it. He stated he did not want any negative feelings to go over to the County with Mr. Jordan indicating he is not being negative in any way. He stated he just feels that we should be on the same wave length and get this worked out, pointing out he is not being negative. In response to questioning, Clyde Holt indicated he would like to see that question clarified and he has no problem with the contract except that provision and he feel that may be it should be for at least five years. Brief discussion took place and by general consensus it was agreed to refer the matter to the Intergovernmental Committee for discussion with the County on Thursday of this week for report back to Council. Mr. Walters indicated he had no problems with this, but he just wanted to make the County aware that the City appreciates this cooperative effect and that we want to work together and this is just clarification on the length of the contract.

TRANSPORTATION PLANNING - PL112 CONTINUATION BUDGET - ADOPTED

The Addendum presented a budget in the amount of $53,750.00 pointing out the Department of Transportation recommends that the budget be approved to establish continuation of PL-112 Transportation planning for FY 84. It was pointed out this would be the 10th year of the program and this is a continuation of an agreement which has existed for a number of years whereby the lead planning agency, the City's Department of Transportation, receives federal funds. Mr. Edwards moved approval of the budget amendment setting up the continuation budget for PL112 as outline. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) - 148

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following continuation budget for PL 112, Transportation Planning, for FY 84 (10th year) is hereby adopted:

Expense:

02-2-5340-000	PL 112 (FHWA) 83/84	-0-
02-2-5340-100	Salaries	$39,990.00
02-2-5340-101	Fringe	5,198.00
02-2-5340-102	In Kind	8,062.00
02-2-5340-231	Travel	250.00
02-2-5340-260	Supplies	250.00
	TOTAL	$53,750.00

Revenue:

02-1-5340-100	PL 112 FHWA	$45,688.00
02-1-5340-101	City In-Kind	8,062.00
	TOTAL	$53,750.00

Adopted: 7/5/83

WS 1982-B - REDUCTION IN RETAINAGE - AUTHORIZED

In keeping with Council policy, it is requested that the retainage for Water Project WS 1982-2B be reduced from 10% to 5%. The project is the 24" water main in the Glascock Street, Clifton Street, Wake Forest Road area and is more than 80% complete. Mr. Edwards moved approval for the reduction of retainage for water project WS 1982-2B as recommended. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

COMMUNITY DEVELOPMENT - BUDGET AMENDMENT - AUTHORIZED

The Addendum presented a budget amendment in the amount of $156,000 to utilize unappropriated revenue for the FNMA Tri-Party agreement deposit at Raleigh Federal Savings and Loan and related expenses. Mr. Jordan moved the budget amendment as outlined be approved. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) - 149

AN ORDINANCE TO AMEND THE 1983/1984 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1983/1984 Budget Ordinance be amended as follows to utilize unappropriated revenues for ENMA Tri-Party Agreement Deposit at Raleigh Federal Savings and Loan and related expenses:

Revenue:

43-1-4000-101	Program Income	$156,000.00

Expense:

43-2-4060-102	Tri-Party Agreement	$156,000.00

Adopted: 7/5/83

PRIORITY WORK ITEMS - RECEIVED

City Manager Zachary indicated he attached a status of the priority work items to the Addendum sent to the City Council. He stated this is the first report and the next report will be the first meeting in August. The status of the priority work items was received as information.

JULY 4th CELEBRATION - TRANSFER AUTHORIZED

City Manager Zachary indicated in getting ready for the July 4, 1983 celebration at the fairgrounds, it appeared that we would not be able to get the big rides to come in. Therefore money was not encumbered to pay for these rides. He stated on June 30, all funds reverted to general funds as this was the end of the fiscal year. On Friday, July 1, he received a call and it was reported that the rides operator had reconsidered and they would be able to provide rides for the July 4 celebration. He indicated he told the Parks representative who called him that he would go ahead and authorize entering into a contract with the rides operator for $3,500. He stated now he is requesting a transfer in the Parks and Recreation budget in the amount of $3,500 to pay for this unauthorized expense. Brief discussion took place and Mr. Edwards moved the transfer as requested be authorized. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 281 TF 1.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

NONE

REPORT OF MAYOR AND COUNCIL MEMBERS

SALISBURY STREET PARKING DECK - AWARD ANNOUNCED

Mayor York indicated he had just been made aware of the fact that Jimmie Beckom of the City's DOT was in Washington to receive an award presented by the Institutional and Municipal Parking Congress relating to the Salisbury Street parking deck. There were 35 entrees in the design competition and the City of Raleigh placed in the top five design awards in the competition. The item was received as information.

FALLS WATERSHED MEETING - ANNOUNCED; COUNCIL TO WRITE LETTER OF SUPPORT OF SENATE BILL 605

Mayor York announced he has been invited by Joe Grimsley to serve on a committee with mayors and county commissioners relating to the Falls Watershed. He indicated this meeting will be on Thursday of this week and he does plan to attend. He stated he will pledge his efforts in this direction during the rest of his tenure on Council. He indicated in thinking about the matter of the Falls Watershed, he would like to suggest that the Council consider someway to provide input to this Committee. He pointed out the City of Raleigh is the largest city in this Falls Watershed and the other cities will look to Raleigh for leadership. He stated may be we could set up some type of advisory committee or task force with representatives of the Corps of Engineers, NCSU, COG, etc. He stated he did not know the best way to structure this but he feels it would be good to have some type of task force to advise the City on measures relating to development in the Falls Watershed. He stated he would solicit any suggestions the Council may have on this and he would try to formulate a recommendation. He indicated the State has placed a moratorium on sewer package plants and the land is zoned R-1.

Mr. Upchurch indicated he has been involved in this since the very beginning and he was glad to see the work of the Committee on going. He stated he is planning to attend the meeting spoke about by the Mayor. He pointed out there will probably be three or four meetings and then he feels the matter will fall back into the hands of the local government. He stated he feels that this matter is of upmost importance to the City. Mr. Upchurch indicated in addition Senator Thomas has presented Senate Bill S605 relating to the entire Neuse River basin and it is going through the legislative process now. He indicated this bill, if passed, will call for the formulation of a Commission to oversee the development of Neuse River basin water quality management plan. He explained the makeup of this proposed commission and indicated he would like for the Council to write and support Judd Ammons for appointment to this Commission. He indicated he had talked with the Speaker of the House and others about this. He stated only four individuals will be appointed and he feels it is very important that we write our delegation and urge support of appointment of someone from Raleigh to this Commission. After brief discussion by general consensus, it was agreed to write the Speaker of the House and Lieutenant Governor Green and suggest that a Raleigh person be on this Commission and express support of a passage of the bill.

COMMUNITY DEVELOPMENT BLOCK GRANT REAUTHORIZATION BILL - RESOLUTION SUPPORTING ADOPTED

Mayor York indicated he received a memo dated June 23, 1983 from Triangle J COG relating to the Community Development Grant reauthorization bill. He indicated Congress is presently considering the reauthorization of the bills for the next three years, and Triangle J COG has passed a resolution which is being sent to the Congressional Delegation urging them to support the reauthorization. Brief discussion took place and Ms. Babb moved that the City Council adopt a resolution of support of the CDBG reauthorization and send copies of this resolution to the appropriate parties. Her motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION (1983) - 284

A RESOLUTION SUPPORTING TIMELY REAUTHORIZATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, the Federal Community Development Block Grant Program is now under consideration by Congress for reauthorization for the next three years; and,

WHEREAS, lengthy negotiations to resolve the differences between House Bill No. 1 and Senate Bill No. 1338 threaten to delay reauthorization of this very important program; and,

WHEREAS, without the three-year reauthorization bill, funding for 1984 and 1985 would be uncertain, thus impairing the continuity of planned activities, particularly for entitlement communities, and beneficial program reforms contained in the reauthorization bills would be delayed; and,

WHEREAS, the use of Community Development Block Grant Funds has resulted in substantial improvements to housing, public facilities, public services and economic opportunities for persons principally of low and moderate income; and,

WHEREAS, the Community Development Block Grant Program is viewed as a popular and highly effective program which is sensitive to local needs; and,

WHEREAS, the City of Raleigh supports continuation of the Community Development Block Grant Program to address such pressing needs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT YOU BE REQUESTED TO HELP RESOLVE THE DIFFERENCES BETWEEN THE HOUSE AND SENATE BILLS IN ORDER TO FACILITATE THE PASSAGE OF COMMUNITY DEVELOPMENT BLOCK GRANT REAUTHORIZATION BILL DURING THE PRESENT SESSION OF THE NINETY-EIGHTH CONGRESS.

Adopted: 7/7/83

ASSESSMENT - BRUCE REEVE - REFERRED TO THE PUBLIC WORKS COMMITTEE

Mr. York indicated briefly explained a matter relating to sanitary sewer assessment fees that has been brought to his attention relating to Bruce Reeve's property. He stated he understands that the setting back of the proposed annexation date has caused Mr. Reeve to have to pay additional fees. He stated Mr. Benton has worked on this for some time and he would suggest that the matter relating to a sanitary sewer assessment fees required for payment by Mr. Reeve be referred to the Public Works Committee. Without objection the item was so referred.

DOWNTOWN HOUSING - COMMENTS RECEIVED

Mayor York indicated he received a call recently relating to the proposed Downtown Housing project. He stated he knew that Governor Hunt and Representative Adams are working on this. He indicated he had told the local delegation if there was anything the City could do to help get this through to please let the City know. He stated we needed to continue to push to get this land released. He stated the local delegation is for it and he feels we need to continue to make strong efforts. He asked Council members to individually talk to anyone they know on the Committee and lobby them for the passive of this bill. He indicated he did mention to Joe Johnson that there is still a possibility that a lease of this land may be considered. The comments were received without discussion.

HOUSE BILL 1283 - CITY COUNCIL OPPOSITION VOICED

Mayor York indicated House Bill 1283 relates to Community Water Systems. He indicated as he understands it, this bill would remove the requirement for water systems in the ETJ to meet city requirement. He indicated he had talked with Representative Johnson about this bill also and he will help in trying to get it defeated. Ms. Babb indicated that the City of Raleigh will be affected very adversely. She stated that she understands that the League is in opposition to the bill. City Attorney McCormick indicated he felt it would be good if the Council would take a position on this bill, pointing out at the very least we could request that Wake County be exempted from this bill. General consensus, the Council agreed to voice unanimous opposition to the bill and direct the City Attorney to draft a letter of opposition to our delegates. City Attorney McCormick indicated the bill has already passed the house with three of our representatives voting for it and it is moving right along. He stated he understands it will be discussed tonight and he would go over and present the Council's position. Discussion took place on the affect of this bill and the adverse affect it would have on the City of Raleigh if passed. Mr. Upchurch moved that the City Attorney be authorized to represent the City in voicing strong opposition to this bill either in letter form or at any hearing. His motion as seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

CABLEVISION - ADMINISTRATION TO GIVE REPORT

Mayor York indicated apparently there was a significant problem relating to Cable TV on Sunday nights in which a lot of homes lost their cablevision. He stated as he understands it, it was out for quite some time and there was some problem in getting cablevision representatives to answer the phone, relating to a change of number, then busy signals, etc. Mr. Jordan indicated he understood that the phone was either out of order or off the hook. Mayor York suggested that Administration contact Cablevision and find out what created the problem and report back to Council.

COUNCIL VACATION - NO ACTION TAKEN

Mr. Upchurch indicated in years passed he knew that the City Council would cancel one of its meetings in August to allow for vacation. He questioned if there is an desire to take this action this year. Mayor York indicated he does not particularly like cancelling meetings, pointing out he realizes that some one may have to miss one meeting but that could be handled. Mr. Walters indicated for about six years the City Council did cancel one of its meetings but this year no one seem inclined to do that so he had gone ahead and scheduled his vacation. No further action was taken.

DOROTHEA DIX PROPERTY - HOUSE BILL 1334 - CITY COUNCIL OPPOSED

Mr. Upchurch indicated each Council member has received information on House Bill 1334 which was introduced by 19 members of the General Assembly relating to a food distribution facility for the Dorothea Dix farm property in Raleigh. He stated the problem he sees with this bill is he is afraid that it is an attempt to tie up the property and this will go against the City of Raleigh's plan for utilization of the Dorothea Dix property. He stated he had written to the Governor and members of our delegation asking them to vote against this bill. He stated it has gone through the house. Mr. Upchurch moved that the City Council go on record as opposing this bill and asked the Mayor to request an audience with the Governor for presentation and update on our plan for the Dorothea Dix property. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. Mayor York indicated he would attempt to get an appointment with the Governor as soon as possible.

GRADING PROBLEM - WOODBURY - REFERRED TO ADMINISTRATION

Mr. Edwards indicated a number of months ago, a Mr. Grassey on Woodbury Road brought a problem to the City's attention about the slope on Woodbury Road. He stated this matter has still not been resolved and he understands the Engineering Department is through with it and it lies in the Public Works Department. He asked Administration to check into the status of the problem on Woodbury Road. Without objection the item was so referred.

REQUEST AND PETITIONS OF CITIZENS - TWO PERSONS ADDED

Mr. Walters indicated as a point of personal privilege he would like to add two persons to the Agenda tonight under Requests and Petitions of Citizens. He indicated the first relates to Dunn's Wrecker Service, pointing out earlier in the afternoon the City Council approved five bids for towing service. He indicated as he understood it, Mr. Dunn didn't have the proper equipment and he tried to get a bid on the new contract but could not secure an application in order to bid. He stated he was no sure exactly what had occurred but Mr. Dunn had asked to speak before the Council. He indicated in addition he would like to add the Reverend Kenneth Moore of Gethesome Church, pointing out they would like to request permission to utilize City property for a tent meeting. Without objection it was agreed to add the two names to the Requests and Petitions of Citizens section of the night Agenda.

HEALTH INSURANCE - POSSIBILITY OF BUYING ADDITIONAL - REFERRED TO THE LAW AND FINANCE COMMITTEE

Mr. Jordan requested that an item be referred to Law and Finance Committee relating to the possibility of employees being able to provide additional health insurance. Without discussion the item was so referred.

EXPLOSION - SOUTH SALISBURY STREET - ADMINISTRATION TO GIVE A REPORT

Mr. Keller indicated one night last week there was an explosion at the corner of Summit and South Saunders Street, pointing out he understood a young man dropped a match at an abandoned service station that had been purchased by the state. He indicated the people in the area had understood that the State DOT was to de-activate the gasoline tanks and pump them out, etc. He indicated this person was injured and the City spent time and money as the fireman had to stay out there most of the night. He asked Administration to check to make sure the State had properly de-activated all of the gasoline storage tanks in this area. Without objection the item was referred to Administration.

REPORT AND RECOMMENDATION OF THE CITY CLERK

MINUTES - JUNE 21, 1983 - APPROVED

The City Clerk indicated Council members received copies of the June 21, 1983 Council meeting and joint hearing with the Planning Commission. There being no corrections, Mayor York announced the minutes would be approved as distributed.

PRELIMINARY ASSESSMENT ROLL - VARIOUS - RESOLUTION ADOPTED

The City Clerk presented the following preliminary assessment rolls with the recommendation that the City Council adopt resolutions which would set a public hearing to consider confirmation of cost during the August 2, 1983 Council meeting.

Paving AR 679 - Dover Road; Paving AR 680 - Jackson Street; and Sewer AR 995 - Rock Quarry Road. Mr. Edwards moved adoption of the preliminary assessment rolls as presented. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) - 285

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

PAVING ASSESSMENT ROLL NO. 679
Powell Fund

WHEREAS, by Resolution No. 1981-486 adopted by the City Council on 3/17/81 the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of curbs, gutters, drains and paving 27 feet back-to-back on Dover Road from Oberlin Road to Chester Road.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $27,157.33.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvement. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	FRONTAGE	TOTAL STREET ASSESSMENT	DRIVEWAY REPLACEMENT COST	TOTAL ASSESSMENT
Beth M. Ethridge	1	0007375	160.0	1,632.67	171.60	1,804.27
S.M. White, Jr. & Nancy	2	0053832	100.0	1,000.00	132.00	1,132.00
F. Timothy Nicholls	3	0065100	80.0	364.00		364.00
Ivey N. Hudson	4	0033898	80.0	364.00		364.00
Lucille D. Scroggs	5	0062940	86.0	391.30		391.30
Allen L. Mims	6	0047541	160.0	728.00		728.00
Mary B. Kilburn	7	0039020	80.0	865.33		865.33
Marian B. & Gray D. Faulkner	8	0006317	80.0	800.00		800.00
Ruth B. Jones	9	0037173	196.0	1,960.00	843.60	2,803.60
Clarence & Ruth Deyton	10	0017816	82.0	820.00	87.60	907.60
Richard C. Herbert	11	0030230	82.0	820.00	87.60	907.60
White Memorial Presby. Church	12	0088745	160.0	728.00		728.00
C. S. Manooch	13	0043886	179.6	1,839.56	51.60	1,891.16
Benjamin G. Koonce, Jr.	14	0039913	165.9	1,659.00	72.40	1,731.40
Richard G. Singer & Mary Ann	15	0002344	105.0	573.12		573.12

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	FRONTAGE	TOTAL STREET ASSESSMENT	DRIVEWAY REPLACEMENT COST	TOTAL ASSESSMENT
William W. Farley	16	0021561	80.0	364.00		364.00
William P. Few & Paula K.	17	0121019	132.93	604.83		604.83
Graham H. Andrews, Jr.	18	0001984	128.95	586.72		586.72
Durant & Cornelia Vick	19	0080931	93.52	837.10		837.10
Alice F. Eure	20	0080932	108.23	1,082.30	328.20	1,410.50
Mishew Edgerton Smith, Heirs	21	0065423	90.0	900.00		900.00
N.E. Edgerton & Wife	22	0020036	632.6	6,326.00	136.80	6,462.80

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 679 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 2nd day of August, 1983 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 7/5/83

RESOLUTION NO. (1983) - 286

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

PAVING ASSESSMENT ROLL NO. 680
Powell Fund

WHEREAS, by Resolution No. 1981-529 adopted by the City Council on April 21, 1981, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

> Installation of curbs, gutters, drains and paving 31 feet back to back on Jackson Street from Gorman Street to Method Road.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $39,505.37.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvement. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	FRONTAGE	TOTAL STREET ASSESSMENT	DRIVEWAY REPLACEMENT COST	TOTAL ASSESSMENT
State of North Carolina (NCSU)	1	00110686	749.0	12,252.16		$12,252.16
Roy S. Denkins & Etal.	2	0013968	192.66	3,344.59		3,344.59
Nalley Commercial Properties	3	0050052	337.78	5,525.42		5,525.42
Best Products Company, Inc.	4	0066349	137.5	2,249.23		2,249.23
Thomas & Margaret Jernigan, Jr.	5	0035518-514	100.0	1,000.00		1,000.00
James W. & Sara Cheek	6	0012968	50.0	500.00		500.00
T. E. Jernigan, Jr.	7	0035516	50.0	500.00	342.00	842.00
W. B. & Mildred Nivison	8	0050955	50.0	500.00		500.00
Novella Mills	9	0047420	50.0	500.00		500.00
Novella Mills	10	0047467	100.0	1,000.00	325.40	1,325.40
W. B. & Mildred Nivison	11	0050951	51.7	517.00		517.00
Merrilyn W. Stephenson	12	0017092	145.45	1,454.50		1,454.50
Arthur E. Nivison & Etal.	13	0050952	176.75	1,816.50	1,095.20	2,911.70
B. C. Jefcoat	14	0035147	151.5	1,515.00		1,515.00
Linney Land Group	15	0124536	75.83	1,240.43		1,240.43
Linney Land Group	16	0124536	75.83	1,240.43		1,240.43
Martin McInnis, Inc.	17	0124537	558.18	2,587.51		2,587.51
			2,652.18	37,742.77	1,762.60	$39,505.37

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installements to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 680 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 2nd day of August, 1983 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 7/5/83

RESOLUTION NO. (1983) - 287

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SEWER ASSESSMENT ROLL NO. 995

WHEREAS, by Resolution No. 1981-776 adopted by the City Council on December 8, 1981, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed: Installation of approximately 750 feet of 8-inch sanitary sewer main in Rock Quarry Road from the Walnut Creek outfall southward.

Section 2. That the cost of the above described improvemetns, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $10,092.40.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is per lot.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUDIVISION LOT NO.	AMOUNT ASSESSED
Beltline Associates	1	0007448		$5,046.20
E. Fremont & Delk F. Mendenhall	2	0046911		$5,046.20

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 995 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 2nd day of August, 1983 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interestd persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 7/5/83

ANNEXATION - FARMINGTON WOODS - PHASE II - CITY CLERK TO CHECK SUFFICIENCY AND SET THE PUBLIC HEARING

The City Clerk indicated she has received a petition for the continuous annexation of Farmington Woods Phase II. She explained this contains approximately 13 acres located in the Creech Road/Rock Quarry Road area. Mr. Edwards moved that the City Clerk be directed to check the sufficiency of the petition for annexation and schedule a public hearing if the petition is found to be sufficient. His motion was seconded by Mr. Walters and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ADJOURNMENT

There being no further business, Mayor York announced the meeting adjourned at 3:10 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

jt/CCONE

The City Council of the City of Raleigh met in a regular reconvened meeting at 7:00 p.m. on July 5, 1983 in the City Council Chambers of the Municipal Building with the following present:

Mayor York, presiding
Ms. Babb
Mr. Calloway
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Walters

Mr. Upchurch (absent)

Mayor York called the meeting to order indicating Mr. Upchurch and City Attorney McCormick were at the General Assembly meeting to discuss certain bills that were discussed by the Council in the afternoon session. He indicated they would be arriving later in the evening.

REQUEST AND PETITIONS OF CITIZENS

ROAD RACE - CAPITAL CITY TRAIL - AUTHORIZED CONDITIONALLY

Jim Young representing the North Carolina Road Runner's Club had requested approval to conduct a ten mile and a five thousand meter race on October 22, 1983 at 9:00 a.m. to highlight the new Capital City Trail. Mr. Young was not at the meeting. City Manager Zachary indicated the proposed date coincides with the last Saturday of the N.C. State Fair. However the City does not anticipate this to be a major problem in light of fact that all of the runners should clear from Hillsborough Street within 15 minutes of the 9:00 a.m. starting time. Mr. Young has agreed to employ 29 off-duty police officers, one policy supervisor, and provide 20 military personnel in uniform with traffic vest for critical locations. He has also agreed to furnish all necessary traffic cones and barricades as determined by the Police supervisor coordinating the event. On-duty police units will provide escorts at the front and the rear of the race. Brief discussion took place and Mr. Edwards moved authorization for utilization of the City streets with conditions as outlined by the City Manager. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

TRAFFIC - SPEED LIMIT ON BRENTWOOD ROAD - REFERRED TO PUBLIC WORKS COMMITTEE

Sally Russell representing Merchants of Brentwood Square Shopping Center was at the meeting requesting the Council to consider raising the speed limit on Brentwood Road between U.S. 1 North and New Hope Church Road. She indicated most people drive faster than the present 25 mph speed limit. She stated she travels this street two to four times per day and she has to hold her foot on the brakes all the way down Brentwood Road as her car will not coast at 25 mph. She stated she thinks that most of the people are running between 30 and 35 mph. She stated if the speed limit is raised, she thinks that the people will still run about the same speed. She stated as it is now, many tickets are being issued and she feels that it is a speed trap. She stated she does not feel that people will abuse the 35 mph zone and go 40 mph. She presented a petition that was signed by merchants and employees of the Brentwood Square Shopping Center as well as a number of people who travel the road including some of the residents on the road. City Manager Zachary indicated the City's DOT has done a number of studies on this street. He indicated the studies show a typical 35 mph speed zone, and they feel that traffic safety will be served by the 35 mph zone, but if it is changed to that they would recommended speed zone signs and other precautions along the streets. Mr. Walters indicated he is very familiar with the area. However he feels it would be prudent to put this item in Committee and look at the item a little further. He indicated in his opinion there is some inconsistencies in the Department of Transportation's recommendation in that some other areas of the City, we have tried to raise the speed limit and they object. He stated one example is the Edenton Street area and DOT objects to it being raised to 35 mph because of the number of children in the area. He stated he feels that DOT needs to get their act together and make sure that their recommendations are consistent. Mr. Walters requested the change of the speed limit on Brentwood Road be referred to Public Works Committee. His motion was seconded by Mr. Edwards. Mayor York indicated he is very familiar with the road, however he feels it is a good idea to refer the matter to Committee as he is sure a lot of people are not aware that this matter is being considered by the Council. The motion as stated was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

WOODSTOVE - REQUEST FOR USE - DENIED

Kenneth S. Huang, 117 Dartmouth Road indicated he has a woodstove that is made of brick with a steel door that he feels is very safe. He stated he has used it for a long time and has never had any problems. He stated it meets the North Carolina State Building Code Standards and the City Standards, however the City Inspections Department has decided it is dangerous and has suspended his right to use this woodstove about ten months ago. He indicated the Inspector should inspect it according to standards and if it does not meet the standards, then give him a written list of the items he must correct to permit him to use the woodstove. He stated he has

never been told what is wrong with it and he feels that his rights are being violated. City Manager Zachary indicated the Fire Department has answered fire calls to this residence due to the woodstove on a number of occasions. He indicated what Mr. Huang is using is an outdoor hot water heater which is fired by a woodstove and the Fire Department would recommend that the request to utilize this stove be turned down. The memo was read from the Inspections Department which indicated the equipment in question is not identified as a woodstove according to the North Carolina State Building Code and the Code of the City of Raleigh. The equipment in question is a hot water heater that has been gutted out and fired by wood for the purpose of utilizing solar hot water. It is located about 18 inches from the rear of the residence and is a fire hazard not only to the residence at 117 Dartmouth Road, but to others in the area. Lengthly discussion took place and in response to questioning, Housing Inspections Supervisor Bartholomew indicated there are no corrections that Mr. Huang can make to make this particular unit meet standards. Mr. Huang indicated he has not been told what is wrong with the woodstove. Mr. Bartholomew indicated since August and September of 1982, the Inspections Department has tried to explain to Mr. Huang that what he has is not a woodstove but an old nonfunctioning hot water heater that is unsafe. He indicated he has met with Mr. Huang during the day, at night, weekends, etc. and tried to explain the problem. In response to questioning from Mr. Jordan, Mr. Bartholomew indicated this is a fire hazard to the adjoining neighbors on both sides and at the rear of Mr. Huang's property. He stated it is the inside of a 40 gallon hot water heater with wood burning under it. Lengthy discussion took place with Ms. Babb indicating that it does seem that the City could explain to Mr. Huang why it is a safety hazard. Mr. Jordan moved that the City Council upheld the report of the Inspections Department and not allow the use of the "stove." His motion was seconded by Mr. Edwards and after other discussion put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

DRAINAGE PROBLEMS - ROCHESTER HEIGHTS AREA - REFERRED TO THE PUBLIC WORKS COMMITTEE

George L. Foxwell representing the South CAC was at the meeting to explain a problem they have in Southeast Raleigh, particularly the Rochester Heights area relating to drainage problem. He indicated every time Crabtree Creek has flooded, they have had the same type flood on Walnut Creek. He pointed out he lives on Charles Street and they have a creek running behind Charles Street that contributes to the flooding. He explained the history of Rochester Heights indicating 25 years ago it was the only place a black person could live in Raleigh. He stated they have had to put up with terrible flooding all of these years. He pointed they had called the State DOT and hadn't heard anything from them or the officials from the City. He indicated the beef he has with the City of Raleigh is that the people who live in the Rochester Heights and have lived there over 25 years are citizens of Raleigh also. He indicated as long as the corridor for I-40 was just a corridor the flooding was mild, but when it opened up the flooding had increased. He indicated the creek behind Charles Street is too small to handle the water. He indicated he was at the meeting to ask the City that whenever they talked about plans for flood control to also think about Walnut Creek, not only Crabtree Creek. He pointed out there are a number of lakes for flood control on Crabtree, but none on Walnut except possibly Lake Johnson. He called on the Council to plan for flood control in that area and to join with them to help put pressure on NCDOT to work with them to get some relief from the flooding. He stated they have had two floods this year already and on Friday of last week, Charles Street was completely under water. Mr. Calloway indicated he was aware of the problem and he would suggest that this matter be referred to Public Works Committee and may be they could give some information as to what could be done to help the situation. His motion was seconded by Mr. Edwards and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ROAD RACE - PRIDE OF CAROLINA - USE OF CITY STREETS AUTHORIZED

Butch Robertson representing WQDR-Pepsi Pride of Carolina's Road Race was at the meeting to request utilization of city streets on September 18, 1983 for a road race. He explained the route they plan to use indicating they have worked with the City Police Department. City Manager Zachary indicated the Police Department has no objections to this race being conducted as planned along city streets. It was pointed out Mr. Robertson has agreed to employ 35 off-duty police officers and to rent 14 barricades and 300 traffic cones. On duty police units will provide escorts at the front and the rear of the race. It was pointed out this is a 6.2 mile course utilizing streets between Oberlin Road, Hillsborough Street and Glenwood Avenue. Mr. Edwards moved approval for the utilization of city streets for the road race as outlined. His motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

SOUTHEAST RALEIGH - REVITALIZATION - DEFERRED UNTIL JULY 19 MEETING

Melvin L. Whitley representing Raleigh United Neighborhoods had requested permission to discuss revitalization of the inner-City by redirecting and balancing the growth patterns within the current city limits and meeting the human resource needs of Southeast Raleigh. It was pointed out Mr. Whitley had requested that this item be deferred until the July 19, 1983 meeting. Without objection the item was so referred.

SNELLING SUBDIVISION - REQUEST FOR EXTENSION OF WATER LINE - REFERRED TO PUBLIC WORKS COMMITTEE

Earle Purser, 4424 Fayetteville Road, indicated he has been to the Council relating to the Snelling Subdivision of Fayetteville Road a number of times. He stated basically it is a problem between Raleigh and Garner and who has control of this area. He indicated it took him about 18 months to get the water line to serve the Snelling Subdivision. He indicated in desperation, he decided to dig wells on each lot. He pointed out one of the purchasers came down and was told no permit could be issued because City water is available in the subdivision but pointed out it is not available in the subdivision. He indicated he understands the Public Utilities Department and the City Attorney has said that wells are not allowed there because City water is available and that he should be required to put in the dry water system and then dig the wells. He stated he can't get water within the subdivision and now he is being told that he cannot put in wells. He indicated as he understands it, Garner has control over the water system, but it is in Raleigh's ETJ. He stated he is just aggravated that he has got himself in this situation. He stated if City water is not available he is asking the Council for permission to be allowed to drill a well. Brief discussion took place after which Mr. Walters moved that the question of extending the water line within the Snelling Subdivision be referred to Public Works Committee and asked for them to report back as soon as possible. His motion was seconded by Mr. Edwards and put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

TOWING CONTRACTS - REQUEST OF DUNN WRECKER SERVICE - REFERRED TO PUBLIC WORKS COMMITTEE

The owner of Dunn Wrecker Service was at the meeting and indicated back in February he came and met with the Public Works Committee relative to his desire to be on the rotation list for towing by the City of Raleigh. He indicated in meeting with the Public Works Committee they reached an agreement that when he bought his equipment in and got City approval then he could be added back to the rotation list. He indicated last week he did bring the equipment in and no one knew what he was talking about. He stated he went and talked with the Purchasing Agent and the Purchasing Agent told him that the Council was going to award the bids for the towing contract at today's meeting, and he was not able to submit a bid. Mr. Walters indicated he thinks what may have happened is that the old contracts had expired and the new contracts were in the process of being awarded. In response to questioning City Manager Zachary indicated his office received a comment on this last Thursday but he has not had an opportunity to look into it. Mayor York indicated if his equipment does meet the requirement and he can get it approved by the City then he saw no reason he could not be added to the towing list. Brief discussion took place and by general consensus the matter relating to Dunn Wrecker Service was referred to Public Works Committee.

CITY PROPERTY - REQUEST FOR USE BY CHURCH GROUP - APPROVED WITH CONDITIONS

Ron Cornwell, 311 Durant Road, Garner indicated he was representing the Gethesame Church on Sanderford Road. He indicated each year they conduct a tent meeting. He stated this year they would like to have permission to conduct this tent meeting at the intersection of Peyton and Eastern Boulevard. He stated there are three vacant properties at this location, one of which is owned by the City of Raleigh. He stated they have talked to the private property owners Phoenix Development and a Mr. Lee and they have permission from Phoenix Development to utilize their property. He stated Mr. Lee is out of town and they have not been able to contact them. He stated they would like to place the tent on the property the last week of July and leave it up approximately 4 weeks and are interested in utilizing the city owned property for parking access, etc. City Manager Zachary indicated he was aware that this item might come up. He stated this is a vacant lot which was obtained for the possible future extension of Eastern Boulevard and has approximately 1.09 acres. He indicated subject to City Council approval of the use of the City owned property the tent revival is permitted at that location which is zoned R-10. He indicated the sponsors would need to obtain the necessary permits from Inspections and will need to demonstrate provisions for fire retardancy of the tent, aisles and exitways, parking arrangements, restrooms, etc. and will need to obtain a sign permit if a sign is planned. A temporary structure permit is required for the erection of the tent. City Manager Zachary indicated there is some concern that if the Church does not get the permission from the two adjoining property owners that the lot would be too small. He stated there would also be other requirements of the Inspections Department that would have to be met if this is approved. Brief discussion took place and Mr. Calloway moved approval of the use of City property and the right to erect the tent contingent upon getting approval from zoning, police, etc., and permission from the adjoining property owners. His motion was seconded by Mr. Walters and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

PUBLIC NUISANCE ABATEMENT - IDLEWILD VILLAGE AREA - REPEALING RESOLUTION ADOPTED

Housing Inspections Supervisor Bartholomew indicated over the past several years the City has had a problem with a public nuisance in the Idlewood Village area. He indicated the property has been cleaned on several occasions and the charges confirmed against the property owner. He stated it has been found that we have a problem with the two of these assessments indicating there was a tract of land of

approximately 60 acres and problems started in 1975 with illegal dumping. He indicated the City notified the owner to abate the nuisance and he did not do so and the City abated it and confirmed the nuisances. He indicated in 1977 and 1978 there were two more nuisance abatements confirmed in the name of John O. D. Williams and Associates. He indicated we have just found out that Mr. Williams was not the owner. He indicated the City did check the records at the Courthouse and it has been found that the correct owner did not show up until three years after there was a change of ownership of the property. He indicated a portion of the 60 acre tract was sold to Carolina Builders and later to St. Augustin College. He indicated the property owners willing to pay all of the assessments with the exception of two. He indicated there are some problems in that this property never came before the City for subdivision that a 16 acre tract was sold from the 60 acre tract. He indicated the owners are willing to pay all of the abatement cost with the exception of $1,539.99 that he does not feel that the City would be able to collect. Therefore he would recommend that the City Council adopt a resolution repealing that portion of Resolution 1977-456 in the amount of $847 and Resolution 1978-70 in the amount of $688.99. He indicated if this is done the owner will come in and pay the remaining $3,500 plus dollars owed on the nuisance abatement confirmation. Brief discussion took place on how this occurred after which Mr. Edwards moved the Inspections Division's Division be upheld. His motion was seconded by Mrs. Walters and a roll call vote resulted in all members voting in the affirmative. THEY MAYOR RULED THE MOTION ADOPTED.

RESOLUTION (1983) - 288

A RESOLUTION TO REPEAL PORTIONS OF RESOLUTION 1977-456 AND 1978-770 RELATING TO CHARGES AGAINST IDLEWOOD DEVELOPMENT COMPANY

WHEREAS, it has been found that charges were confirmed against Idlewood Development Company for abatement of public nuisances in 1977 and 1978; and

WHEREAS, it has now been found that the charges were confirmed incorrectly.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That Resolution 1977-456 be amended by repealing the charges of $871.58 against Idlewood Development Company.

Section 2. That Resolution 1978-770 be amended by repealing the charges of $713.00 made in the name of Idlewood Development Company for abating nuisances at 3105 Idlewood Drive.

Section 3. That no other portions of the said resolutions are affected by this amendment.

Adopted: 7/5/83

Effective: 7/5/83

MATTERS SCHEDULED FOR PUBLIC HEARING

UNSAFE BUILDING ABATEMENT - 3219 TRAWICK ROAD - ORDINANCE ADOPTED

This was a hearing to consider adoption of a resolution confirming charges in the amount of $188 for abating the unsafe building at 3219 Trawick Road. The property is in the name of Lawrence J. and Carney Bemis. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Mr. Edwards moved adoption of a resolution confirming the costs as outlined. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) - 289

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING UNSAFE BUILDING NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160A of the North Carolina General Statutes, and Sections 2.14(33), 2.14(51), 2.14(46) and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuiances existed; and

WHEREAS, pursuant to said Statutes the City Council of the City of Raleigh has adopted Part 7, Chapter 4, Article D of the Code of the City of Raleigh, relating to the abatement of unsafe building nuisance; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That the unsafe building nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code to the City of Raleigh and more specifically Part 7, Chapter 4, Article D.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to General Statutes above referred to, and makes the same a lien against the premises as provided in Part 7, Chapter 4, Article D of the Code of the City of Raleigh.

PROPERTY OWNER	LOCATION	COST OF ABATEMENT
Lawrence J. and Carney Bemis	3219 Trawick Road	$1,188.00

Adopted: 7/5/83

JOINT HEARING BEFORE THE PLANNING COMMISSION AND THE CITY COUNCIL

The City Council went into a joint hearing with the Planning Commission as 8:00 p.m. to consider various requests for rezonings and text changes as advertised. The items heard during that portion of the meeting we will be covered by a separate set of minutes.

Gail G. Smith
City Clerk and Treasurer

jt/CCTWO